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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

8021-224 (SS-19575-US)

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on December 11, 2007

Signature

Typed or printed name Frank Chau

Application Number

10/822,384

Filed

April 12, 2004

First Named Inventor

Jin Kook Jung

Art Unit

2826

Examiner

Benjamin P. Sandvik

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 34,136

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

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Telephone number

December 11, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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8021-224 (SS-19575-US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Jung et al. EXAMINER: Sandvik, Benjamin P  
SERIAL NO.: 10/822,384 GROUP ART UNIT: 2826  
FILED: April 12, 2004  
FOR: SEMICONDUCTOR DEVICE AND METHOD OF LOCATING A  
PREDETERMINED POINT ON THE SEMICONDUCTOR  
DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

This paper is being filed with a Notice of Appeal Form (PTO/SB/31) and a  
Pre-Appeal Brief Request For Review Form (PTO/SB/33).

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Dated: 12/11/07

  
Frank Chau

**REMARKS**

Please consider the following reasons for this Pre-Appeal Brief Request For Review.

Claims 1-4, 23 and 24 are pending and stand rejected in the above-referenced application.

Claims 1-4, 23 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al (U.S. Pub. 2002/0175419). However, there are clear errors in Examiner's rejections based on Wang.

Claim 1 recites, *inter alia*, a number of dummy patterns substantially greater than a number of marking patterns. For example, in the present disclosure, the number of dummy patterns (110) is substantially greater than the number of marking patterns (115). See e.g., Fig. 4 of the present disclosure.

In the October 11, 2007 Final Office Action, the Examiner states that Wang teaches dummy patterns (700) and marking patterns (1200) wherein a number of the dummy patterns (700) is substantially greater than a number of the marking patterns (1200). See October 11, 2007 Final Office Action, Page 2. In stark contrast to the Examiner's assertion, elements (1200) are not marking patterns, but vias. The vias form plugs when filled with metal layer. See e.g., paragraph [0075] of Wang. As such, the vias (1200) cannot be used as marking patterns used for counting the dummy patterns.

Furthermore, even assuming, *arguendo*, that elements (1200) can be marking patterns, Wang does not disclose that a number of the dummy patterns (700) is substantially greater than a number of the marking patterns because if the vias (1200)

in Fig. 12B can be marking patterns, other vias (600) in Fig. 12B can also be marking patterns. Then, in contrast to the Examiner's assertion, in Wang, a number of marking patterns (1200) is greater than a number of patterns (700). See e.g., Fig. 12B of Wang.

Claim 23 recites, *inter alia*, marking patterns surrounding at least a group of dummy patterns. For example, in the present disclosure, marking patterns (215) surround at least a group of dummy patterns (210). See e.g., Fig. 5 of the present disclosure.


In the October 11, 2007 Final Office Action, the Examiner states that Wang teaches dummy patterns (1200) and marking patterns (700). See October 11, 2007 Final Office Action, Page 3. In stark contrast to the Examiner's assertion, elements (1200) are not dummy patterns for a CMP method formed in a uniform pattern over the semiconductor substrate. As discussed above, the elements (1200) are vias. Furthermore, even assuming, *arguendo*, that the elements (1200) can be dummy patterns, the patterns (700) do not surround a group of the dummy patterns. In contrast, only a single via (1200) is surrounded by the patterns (700). See e.g., Fig. 12B of Wang.

Claim 24 recites, *inter alia*, marking patterns and the predetermined plural numbers of the dummy patterns grouped by the marking patterns form a unit, which is repeated. As stated above, elements (1200) are vias, not marking patterns.

Therefore, there are clear errors in Examiner's rejections based on Wang.

An early and favorable reconsideration is earnestly solicited.

Respectfully submitted,



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